

BANNER & WITCOFF, LTD.
INTELLECTUAL PROPERTY LAW

**1001 G. STREET N.W., ELEVENTH FLOOR
WASHINGTON, D.C. 20001**

**TEL: 202.824.3000
FAX: 202.824.3001**

www.bannerwitcoff.com

To: John Gillon, Jr.
Company: USPRO
Fax: 1 571 273 0025
Phone: 1 571 272 3282

From: Sarah A. Kagan
Fax: 1 202 824 3751
Phone: 1 202 824 3151

FAX RECEIVED

JUL 26 2006

Re:

COURTESY COPY OF FAX AND RECEIPT SENT TO MAIN NUMBER.

Date Of Transmission: 7/26/2006 1:43:02 PM
Number Of Pages Including This Cover Sheet: 24

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CHICAGO

WASHINGTON, D.C.

BOSTON

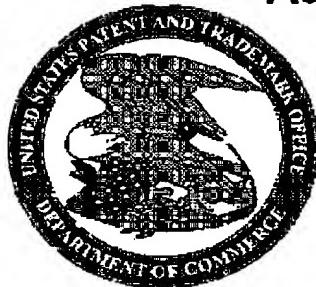
PORLAND, OR

USPTO

7/26/2006 1:32 PM PAGE 1/001 Fax Server

TO:Auto-reply fax to 12028243001 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 12028243001

Fax Information

Date Received:

Total Pages:

7/26/2006 1:25:08 PM [Eastern Daylight Time]

23 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

1262D233001 7/26/2008 1:25:10 PM PAGE 001/023 Fax Cover

BANNER & WITCOFF, LTD.
INTELLECTUAL PROPERTY LAW

1001 G. STREET N.W., ELEVENTH FLOOR
WASHINGTON, D.C. 20001

TEL: 202.824.3400
FAX: 202.824.3401

www.bannerwitcoff.com

To: John J. Gillon, Jr.
Company: USPTO
Fax: 1 571 273 8300
Phone: 1 571 272 3282

From: Sarah A. Kagan
Fax: 1 202 824 3751
Phone: 1 202 824 3151

Re:

COPY OR REQUEST TO WITHDRAW WRONGFUL HOLDING OF ABANDONMENT, WITH ATTACHMENTS,
ORIGINAL FILED 6/18/2003

Date Of Transmission: 7/26/2008 1:11:10 PM
Number Of Pages Including This Cover Sheet: 23

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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re the Application of:****Shibin ZHOU *et al.***

Serial No.: 09/776,696

Atty. Docket No.: 001107.00087

Filed: February 6, 2001

Group Art Unit: 1636

For: HUMAN FAST-1 GENE

Examiner: TBA

Confirmation No.: 5642

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT***VIA FACSIMILE***

703-308-7751 (OIPE)

703-308-6916 (Nancy Johnson, Petitions Attorney)

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed July 7, 2003, Applicants respectfully request that the Commissioner withdraw the holding of abandonment because the application should not have been held abandoned. The Notice of Abandonment indicates that the basic filing fee and surcharge were not paid. Applicants, however, submitted authorizations for payment of these fees with their timely reply to the Notice to File Missing Parts. The fees were authorized in two places: (1) on page 1 of the Response; and (2) in the fee transmittal. A copy of the Response to Notice of Missing Parts including fee transmittal authorizing payment of filing fees, sequence listing, amendment with respect to sequence listing, figures, and date stamped receipt postcard is attached.

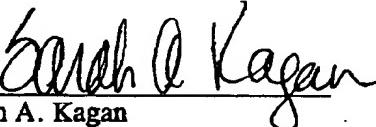
1 of 2

Request to Withdraw Holding of Abandonment
U.S. Patent Application No. 09/776,696

PATENT

It is believed that no fee is required with this paper, however, the Office may consider this a Petition to Revive and may charge any required fee to Deposit Account 19-0733. If there are any questions, please feel free to contact the undersigned at 202-824-3000.

Respectfully submitted,

By: 
Sarah A. Kagan
Registration No. 32,141

Dated: August 19, 2003

Banner & Witcoff, Ltd.
Customer No. 22907

2 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/776,696	02/06/2001	Shibin Zhou	01107.00087

CONFIRMATION NO. 5642

**ABANDONMENT/TERMINATION
LETTER**



OC000000010437283

22907
BANNER & WITCOFF
 1001 G STREET NW
 SUITE 1100
 WASHINGTON, DC 20001

Date Mailed: 07/07/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/05/2001.

- The reply received on 10/16/2001 was improper. The reply did not include:
 - The surcharge under 37 CFR 1.16(l) required for filing the basic filing fee or cover sheet on a date later than the filing date of a provisional application.
 - The full amount of the basic filing fee under 37 CFR 1.16(a), (f), (g), or (k). Note: A nonprovisional application may not be relied on for benefits under 35 U.S.C. 120 and 37 CFR 1.78 unless the processing and retention fee set forth in 37 CFR 1.21(f) is paid within the one year period set forth in 37 CFR 1.53(f). A provisional application may not be relied on for benefits under 35 U.S.C. 119(e) and 37 CFR 1.78 unless the basic filing fee is paid.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Page 2 of 2



Karen Smith

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application Of:) Group Art Unit: 1636
Shibin ZHOU)
Serial No.: 09/776,696) BOX: MISSING PARTS
Filed: February 6, 2001)
For: HUMAN FAST-1 GENE) Docket No. 01107.00087

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

Assistant Commissioner of Patents
Washington, D.C. 20231
Attn: Box Missing Parts

Dear Sir:

In response to the Notice to File Missing Parts Of Non-provisional Application, dated September 5, 2001, the Applicant is hereby submitting a Request to Use Computer Readable Form and corrected drawings.

The Commissioner is authorized to charge \$750.00 to Deposit Account No. 19-0733, to cover the following:

\$370.00 - Basic Filing Fee;

\$ 63.00 - 7 total claims over 20;

\$252.00 - 6 independent claims over 3;

\$ 65.00 - Surcharge for late declaration.

U.S. Application No. 09/776,696

Attorney Docket No. 001107.00087
Page 2

It is believed that these fees as calculated are correct. However, if an additional fee is required, please charge Deposit Account No. 19-0733.

Respectfully submitted,

October 1^b, 2001

By:


Sarah A. Kagan
Registration No. 32,141

Banner & Witcoff, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 20001
(202) 508-9100

423624-1



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/776,696	02/06/2001	Shibin Zhou	01107.00087

**22907
BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001**

CONFIRMATION NO. 6642

FORMALITIES LETTER

OC000000006513112

Date Mailed: 09/05/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
 - Total additional claim fee(s) for this application is \$303.
 - \$63 for 7 total claims over 20.
 - \$240 for 6 independent claims over 3 .
 - To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
 - The balance due by applicant is \$ 723.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment.

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
 - The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the

Page 2 of 2

application OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Under the Paperwork Reduction Act of 19

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
This form displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 750.00)

Complete if Known

Application Number	09/776,696
Filing Date	February 6, 2001
First Named Inventor	Shabin ZHOU
Examiner Name	TBA
Group / Art Unit	1638
Attorney Docket No.	001107.00087

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 19-0733

Deposit Account Name: Banner & Witcoff

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:
 Check Credit card Money Order Other

FEE CALCULATION (continued)

3. ADDITIONAL FEES			
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65
127	50	227	25
139	130	139	130
147	2,520	147	2,520
112	820*	112	820*
113	1,840*	113	1,840*
115	110	215	55
116	400	216	200
117	820	217	480
118	1,440	218	720
128	1,860	228	980
119	320	219	160
120	320	220	160
121	280	221	140
138	1,510	138	1,510
140	110	240	55
141	1,280	241	640
142	1,280	242	640
143	460	243	230
144	820	244	310
122	130	122	130
123	50	123	50
126	180	128	180
581	40	581	40
146	740	246	370
149	740	249	370
179	740	279	370
169	900	169	900

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	740	201	370
106	330	208	165
107	510	207	255
108	740	208	370
114	160	214	80
SUBTOTAL (1)			(\$ 370.00)

2. EXTRA CLAIM FEES

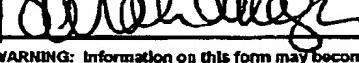
Total Claims	-20**	=	Extra Claims	X	Fee from below	=	Fee Paid
Independent Claims	27	=	7	X	9	=	63
Multiple Dependent	9	-3**	=	6	X	42	= 252
				X		=	0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103	18	203
102	84	202
104	280	204
109	64	209
110	18	210
SUBTOTAL (2)		
(\$ 315.00)		

--or number previously paid, if greater. For Reissues, see above

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 65.00)

SUBMITTED BY		Complete if applicable		
Name (Print/Type)	Sarah A. Kagan	Registration No. Attorney/Agent)	32,141	Telephone
Signature			Date	October 16, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Shibin ZHOU

Serial No. 09/776,696

Filed: February 6, 2001

For: HUMAN FAST-1 GENE

Group Art Unit: 1636

Examiner: TBA

Attorney Docket No. 01107.00087

**AMENDMENT AND RESPONSE TO NOTICE TO
COMPLY WITH SEQUENCE LISTING RULES**

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

When filing the subject application on 6 February 2001, Applicants submitted a substitute sequence listing in paper form and asked that the computer readable form of the parent application be used for examination. A copy of these papers are attached.

IN THE SPECIFICATION:

Delete pages 29-41 and add the new sequence listing to the end of the application. Rerun number pages 42-48 as pages 29-35.

STATEMENT:

The new sequence listing adds no new matter.

Respectfully submitted,

By:


Sarah A. Kagan
Registration No. 32,141

Date: October 16, 2001

BANNER & WITCOFF, LTD.
1001 G Street, N.W., Eleventh Floor
Washington, D.C. 20001-4597
(202) 508-9100

423541-1

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of)
Shibin Zhou *et al.*,) Prior Group Art Unit: 1636
Serial No. Unassigned) Prior Examiner: T. McKelvey
Filed: February 7, 2001) Atty. Dkt. No. 01107.00087

For: HUMAN FAST-1 GENE

SEQUENCE RULES COMPLIANCE

Assistant Commissioner of Patents & Trademarks
Washington, D.C. 20231

Dear Sir:

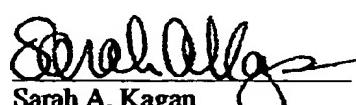
A paper copy of a substitute sequence listing submitted in parent application U.S. Serial No. 09/113,, 309 is submitted herewith. Please use the computer readable form submitted in the parent application on 18 November 1999 for examination of the subject application.

The content of the two forms, paper and CRF, are believed to be identical.

Respectfully submitted,

02-06-01

Date


Sarah A. Kagan
Reg. No. 32,141

BANNER & WITCOFF, LTD.
1001 G Street, N.W. - Eleventh Floor
Washington, D.C. 20001-4597
Telephone: 202/508-9100

COPY

SEQUENCE LISTING

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 Zawel, Leigh
 Vogelstein, Bert
 Kinzler, Kenneth

<120> Human Fast-1 Gene

<130> 01107.10898

<140> 09/113,309
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Gly Thr Trp Ser Pro Asp Arg Gly Ser Met Tyr Gly Leu Ser Pro Gly
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Trp Lys Asp Ser Ile Arg His Asn Leu Ser Ser Ser Asp Cys Phe Lys
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515		

U.S. Serial No.: 09/776,696 Atty. Dkt. No.: 001107.00007
 Inventor: Shubin ZHOU
 Title: HUMAN FAST-1 GENE

FIG. 1

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hFAST-1	cs[REDACTED]	365
xFAST-1	ssgspsypsrqqlm	518

U.S. Serial No.: 09/776,696 Arty. Dkt. No.: 001107.00087
Inventor: Shabin ZHOU
Title: HUMAN FAST-1 GENE

FIG. 2A

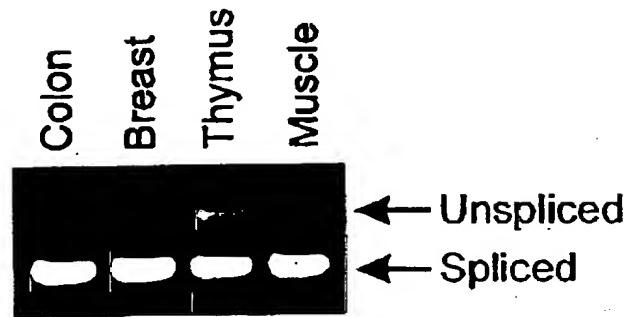
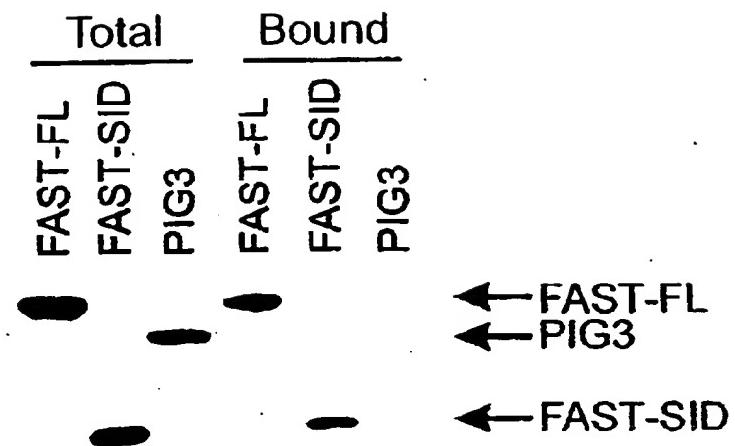
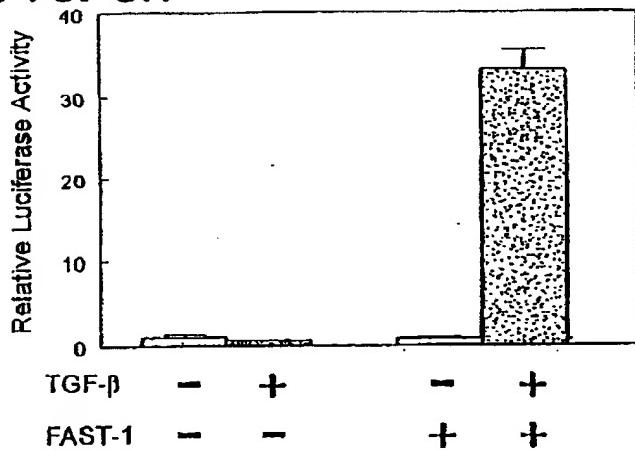
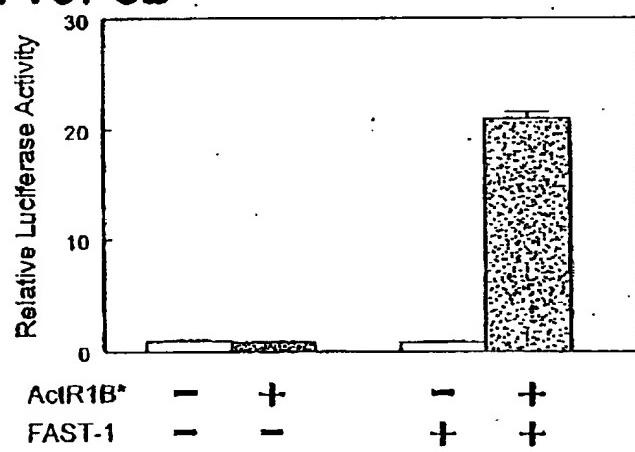
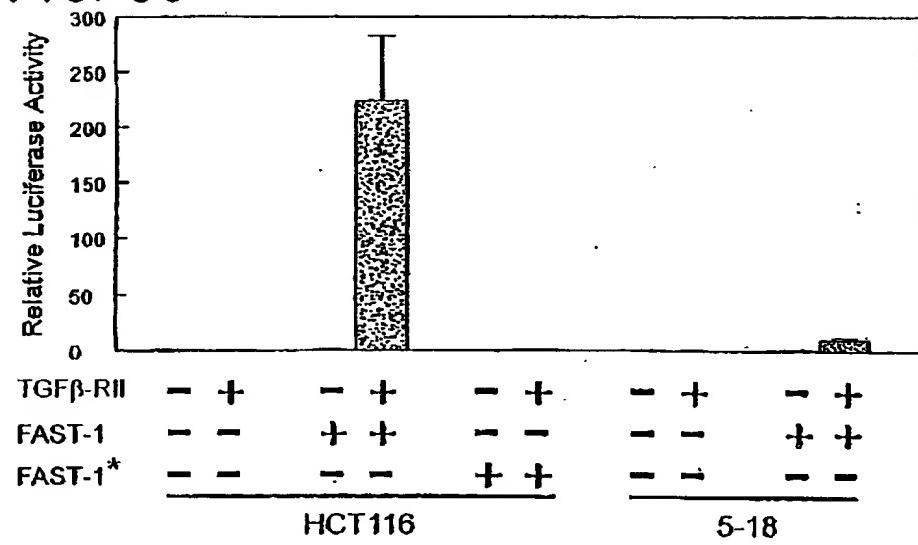


FIG. 2B



U.S. Serial No.: 09/776,696 Atty. Dkt. No.: 001107.00087
Inventor: Shabin ZHOU
Title: HUMAN FAST-1 GENE

FIG. 3A**FIG. 3B****FIG. 3C**

PATENT DESIGN B&W Ref. 001107-000.87. Date 10-16-01
 HAND CARRY Group/Section
 Serial/Patent No. 09/716,696 Bldg. 3 Rm. JK/mad
 Inventor Z-HOLE Atty/Sec. Client JHD
 Title Human Test-1 Greal

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

<input type="checkbox"/>	total pp Spec., including : # of Claims _____	<input type="checkbox"/> Sequence Listing : <input type="checkbox"/> Diskette <input type="checkbox"/> Paper
(# of independent claims _____)	: <input type="checkbox"/> Abstract	<input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Response : OA dtd _____
<input checked="" type="checkbox"/> Drawings : <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Informal	# of distinct sheets <u>4</u> Figs. <u>1-4</u>	<input type="checkbox"/> Petition for Extension of Time until _____
<input type="checkbox"/> Declaration/Power of Attorney : <input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted		<input type="checkbox"/> CPA <input type="checkbox"/> RCE <input type="checkbox"/> w/Ext of Time : OA dtd _____
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<input type="checkbox"/> Preliminary Amendment		<input checked="" type="checkbox"/> Brief : <input type="checkbox"/> Appeal & Fee <input type="checkbox"/> Reply
<input type="checkbox"/> Priority Claim (Foreign or U.S. Provisional) B&W # _____		<input type="checkbox"/> Request for Oral Hearing
Country _____	Appl. # _____ Date _____	<input type="checkbox"/> Issue Fee <input type="checkbox"/> Advance Patent Copies (# ordered _____)
<input type="checkbox"/> w/Foreign Priority Document(s)		<input type="checkbox"/> Notice of Allowance dtd _____
<input type="checkbox"/> Application : <input type="checkbox"/> CIP <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional		<input type="checkbox"/> Amendment under 37 CFR 1.312
Parent Ser. No. _____ B&W# _____		<input type="checkbox"/> Request for Certificate of Correction
<input type="checkbox"/> U.S. Provisional _____ pp Spec/Claims; Cover Sheet		<input type="checkbox"/> Transmittal <input checked="" type="checkbox"/> Fee Transmittal w/Auth. to Charge Deposit Acct.
<input checked="" type="checkbox"/> Response to Missing Parts/Requirements/dtd _____		<input type="checkbox"/> Certificate of Mailing
<input type="checkbox"/> Response to Notice to File Corrected Appln. Papers/dtd _____		<input type="checkbox"/> Check # _____ for \$ _____
<input type="checkbox"/> Request for Expedited Foreign Filing License		<input type="checkbox"/> _____
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<input type="checkbox"/> Response to Restriction/Election Requirement		<input type="checkbox"/> _____

(11)

B&W Rev. 501

1001 G. STREET N.W., ELEVENTH FLOOR
WASHINGTON, D.C. 20001



BANNER & WITCOFF, LTD.
INTELLECTUAL PROPERTY LAW

TEL: 202.824.3000
FAX: 202.824.3001

www.bannerwitcoff.com

To: John J. Gillon, Jr.
Company: USPTO
Fax: 1 571 273 8300
Phone: 1 571 272 3282

RECEIVED
CENTRAL FAX CENTER
JUL 26 2006

From: Sarah A. Kagan
Fax: 1 202 824 3751
Phone: 1 202 824 3151

Re:

COPY OR REQUEST TO WITHDRAW WRONGFUL HOLDING OF ABANDONMENT, WITH ATTACHMENTS,
ORIGINALLY FILED 8/19/2003

Date Of Transmission: 7/26/2006 1:11:30 PM
Number Of Pages Including This Cover Sheet: 23

Important/Confidential: This message is intended only for the use of the individual or entity to whom it is addressed. This message contains information from the law firm of Banner & Witcoff, Ltd. which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, retention, archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will be happy to arrange for the return of this message to our offices at no cost to you.

CHICAGO

WASHINGTON, D.C.

BOSTON

PORLAND, OR

PAGE 1/23 * RCVD AT 7/26/2006 1:25:08 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/30 * DNIS:2738300 * CSID:12028243001 * DURATION (mm:ss):06-26

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JUL 26 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Shibin ZHOU *et al.*

Serial No.: 09/776,696

Filed: February 6, 2001

For: HUMAN FAST-1 GENE

Atty. Docket No.: 001107.00087

Group Art Unit: 1636

Examiner: TBA

Confirmation No.: 5642

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT**VIA FACSIMILE**

703-308-7751 (OIPE)

703-308-6916 (Nancy Johnson, Petitions Attorney)

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed July 7, 2003, Applicants respectfully request that the Commissioner withdraw the holding of abandonment because the application should not have been held abandoned. The Notice of Abandonment indicates that the basic filing fee and surcharge were not paid. Applicants, however, submitted authorizations for payment of these fees with their timely reply to the Notice to File Missing Parts. The fees were authorized in two places: (1) on page 1 of the Response; and (2) in the fee transmittal. A copy of the Response to Notice of Missing Parts including fee transmittal authorizing payment of filing fees, sequence listing, amendment with respect to sequence listing, figures, and date stamped receipt postcard is attached.

1 of 2

Request to Withdraw Holding of Abandonment
U.S. Patent Application No. 09/776,696

PATENT

It is believed that no fee is required with this paper, however, the Office may consider this a Petition to Revive and may charge any required fee to Deposit Account 19-0733. If there are any questions, please feel free to contact the undersigned at 202-824-3000.

Respectfully submitted,

By: Sarah A. Kagan
Sarah A. Kagan
Registration No. 32,141

Dated: August 19, 2003

Banner & Witcoff, Ltd.
Customer No. 22907

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JUL 26 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/776,696	02/06/2001	Shibin Zhou	01107.00087

**CONFIRMATION NO. 5642
ABANDONMENT/TERMINATION
LETTER**



OC000000010437283

22907
BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

Date Mailed: 07/07/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/05/2001.

- The reply received on 10/16/2001 was improper. The reply did not include:
 - The surcharge under 37 CFR 1.16(l) required for filing the basic filing fee or cover sheet on a date later than the filing date of a provisional application.
 - The full amount of the basic filing fee under 37 CFR 1.16(a), (f), (g), or (k). Note: A nonprovisional application may not be relied on for benefits under 35 U.S.C. 120 and 37 CFR 1.78 unless the processing and retention fee set forth in 37 CFR 1.21(l) is paid within the one year period set forth in 37 CFR 1.53(f). A provisional application may not be relied on for benefits under 35 U.S.C. 119(e) and 37 CFR 1.78 unless the basic filing fee is paid.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

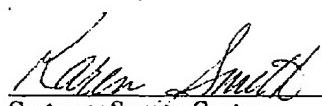
Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

12028243001

7/26/2006 1:25:10 PM PAGE 005/023 Fax Server

Page 2 of 2



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:)	Group Art Unit: 1636
)	
Shibin ZHOU)	BOX: MISSING PARTS
)	
Serial No.: 09/776,696)	
)	Docket No. 01107.00087
Filed: February 6, 2001)	
)	
For: HUMAN FAST-1 GENE)	

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

Assistant Commissioner of Patents
Washington, D.C. 20231
Attn: Box Missing Parts

Dear Sir:

In response to the Notice to File Missing Parts Of Non-provisional Application, dated September 5, 2001, the Applicant is hereby submitting a Request to Use Computer Readable Form and corrected drawings.

The Commissioner is authorized to charge \$750.00 to Deposit Account No. 19-0733, to cover the following:

\$370.00 - Basic Filing Fee;

\$ 63.00 - 7 total claims over 20;

\$252.00 - 6 independent claims over 3;

\$ 65.00 - Surcharge for late declaration.

U.S. Application No. 09/776,696

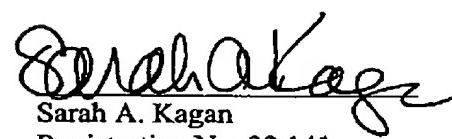
Attorney Docket No. 001107.00087
Page 2

It is believed that these fees as calculated are correct. However, if an additional fee is required, please charge Deposit Account No. 19-0733.

Respectfully submitted,

October 1^b, 2001

By:


Sarah A. Kagan
Registration No. 32,141

Banner & Witcoff, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 2001
(202) 508-9100

423624-1

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Shibin ZHOU) Group Art Unit: 1636
Serial No. 09/776,696) Examiner: TBA
Filed: February 6, 2001) Attorney Docket No. 01107.00087
For: HUMAN FAST-1 GENE)

AMENDMENT AND RESPONSE TO NOTICE TO
COMPLY WITH SEQUENCE LISTING RULES

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

When filing the subject application on 6 February 2001, Applicants submitted a substitute sequence listing in paper form and asked that the computer readable form of the parent application be used for examination. A copy of these papers are attached.

IN THE SPECIFICATION:

Delete pages 29-41 and add the new sequence listing to the end of the application. Rerumber pages 42-48 as pages 29-35.

STATEMENT:

The new sequence listing adds no new matter.

Respectfully submitted,


By: _____
Sarah A. Kagan
Registration No. 32,141

Date: October 16, 2001

By:

BANNER & WITCOFF, LTD.
1001 G Street, N.W., Eleventh Floor
Washington, D.C. 20001-4597
(202) 508-9100

423541-1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re Application of)
Shibin Zhou *et al.*.) Prior Group Art Unit: 1636
Serial No. Unasigned) Prior Examiner: T. McKelvey
Filed: February 7, 2001)
For: HUMAN FAST-1 GENE) Atty. Dkt. No. 01107.00087

SEQUENCE RULES COMPLIANCE

Assistant Commissioner of Patents & Trademarks
Washington, D.C. 20231

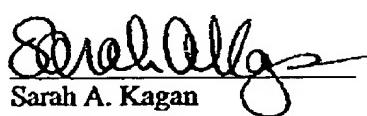
Dear Sir:

A paper copy of a substitute sequence listing submitted in parent application U.S. Serial No. 09/113,, 309 is submitted herewith. Please use the computer readable form submitted in the parent application on 18 November 1999 for examination of the subject application.

The content of the two forms, paper and CRF, are believed to be identical.

Respectfully submitted,

02-06-01
Date


Sarah A. Kagan
Reg. No. 32,141

BANNER & WITCOFF, LTD.
1001 G Street, N.W. - Eleventh Floor
Washington, D.C. 20001-4597
Telephone: 202/508-9100

COPY

SEQUENCE LISTING

<110> Zhou, Shibin
 Zawel, Leigh
 Vogelstein, Bert
 Kinzler, Kenneth

<120> Human Fast-1 Gene

<130> 01107.10898

<140> 09/113,309
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 <213> Homo sapiens

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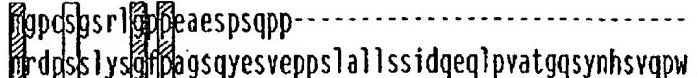
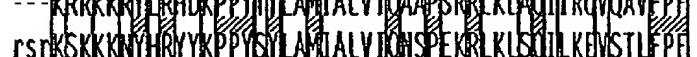
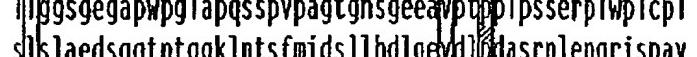
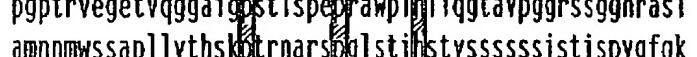
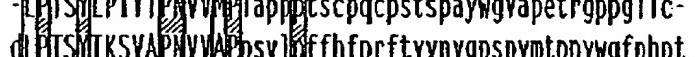
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U.S. Serial No.: 09/776,696 Atty. Dkt. No.: 001107.00087
 Inventor: Shabin ZHOU
 Title: HUMAN FAST-1 GENE

FIG. 1

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U.S. Serial No.: 09/776,696 Atty. Dkt. No.: 001107.00087
Inventor: Shabin ZHOU
Title: HUMAN FAST-I GENE

FIG. 2A

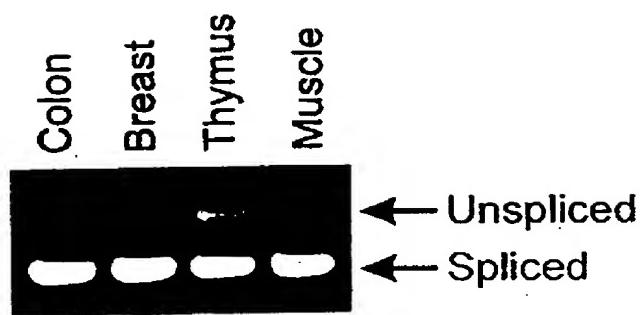
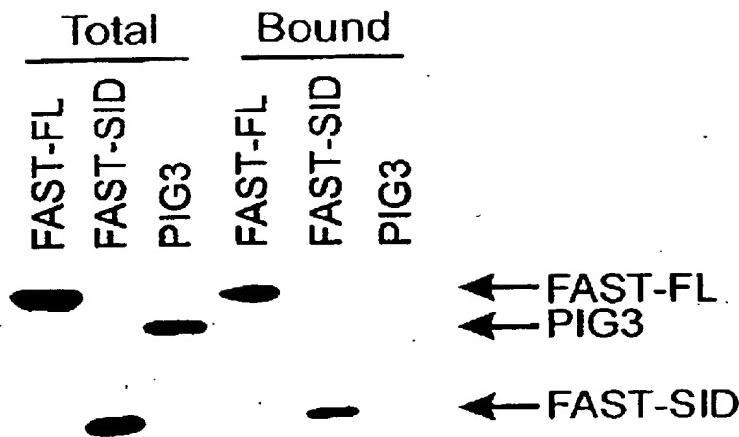
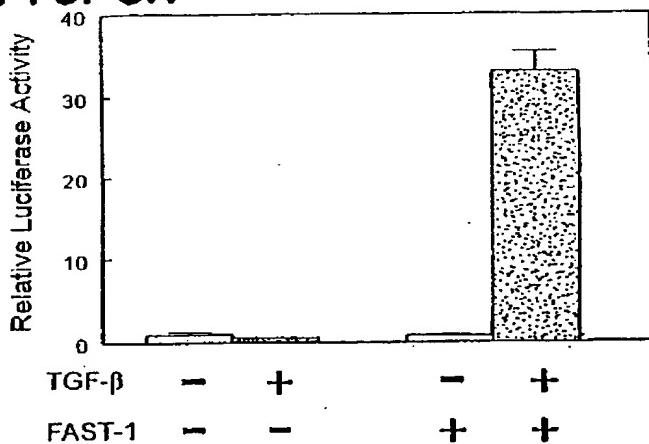
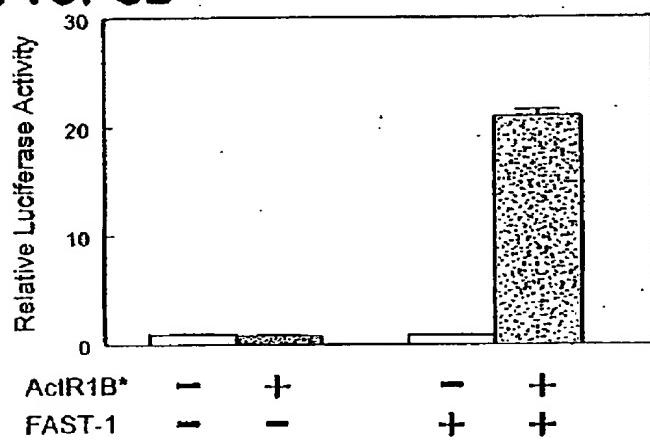
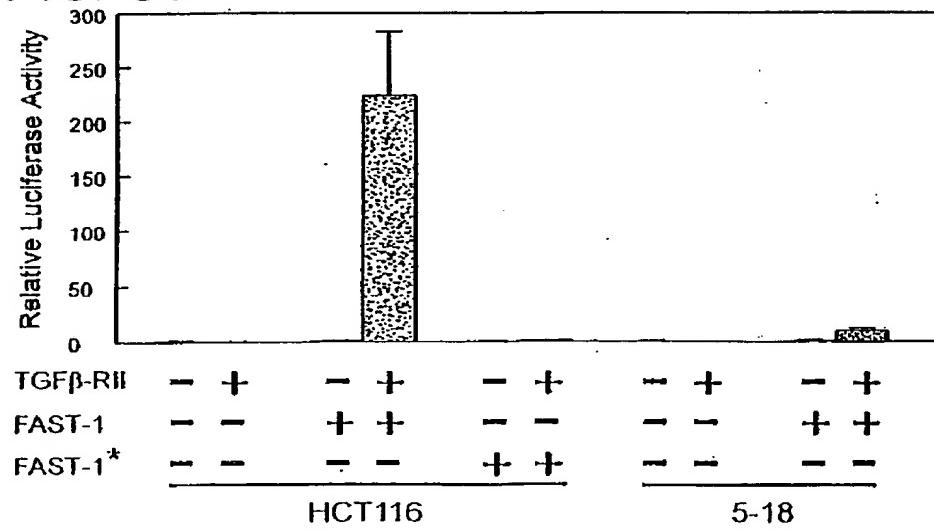


FIG. 2B



U.S. Serial No.: 09/776,696 Atty. Dkt. No.: 001107.00087
 Inventor: Shabin ZHOU
 Title: HUMAN FAST-1 GENE

FIG. 3A**FIG. 3B****FIG. 3C**

PATENT DESIGN B&W Ref. 001107,000.87 Date 10-16-01
 HAND CARRY Group/Section
 Serial/Patent No. 09/1776,696 Bldg. _____
 Inventor ZHOU Atty/Sec. SAR/maed
 Title Human Test-1 Game Rm. _____
 Client JHU

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

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 (# of independent claims _____); Abstract
 Drawings : Formal Informal 1-4
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 Declaration/Power of Attorney : Executed Unexecuted
 Assignment w/PTO Cover Sheet
 IDS w/PTO 1449 References w/Fee
 Preliminary Amendment
 Priority Claim (Foreign or U.S. Provisional, B&W # _____)
- PATENT & TRADEMARK**
- Sequence Listing : Diskette Paper
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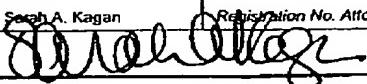
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Complete If Known	
Application Number	09/776,696
Filing Date	February 6, 2001
First Named Inventor	Shibin ZHOU
Examiner Name	TBA
Group / Art Unit	1636
Attorney Docket No.	001107.00087

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<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 18-0733				3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th colspan="2"></th> </tr> <tr> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee (\$)</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td></tr> <tr><td>140</td><td>110</td><td>240</td><td>65</td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td></tr> <tr><td colspan="4">Other fee (specify) _____</td></tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td colspan="2">SUBTOTAL (3)</td> <td>(\$)</td> <td>65.00</td> </tr> </tbody> </table>				Large Entity	Small Entity			Fee Code (\$)	Fee Code (\$)	Fee (\$)	Fee Paid	105	130	205	65	127	50	227	25	139	130	139	130	147	2,520	147	2,520	112	920*	112	920*	113	1,840*	113	1,840*	115	110	215	55	116	400	216	200	117	920	217	460	118	1,440	218	720	128	1,960	228	980	119	320	219	160	120	320	220	160	121	280	221	140	138	1,510	138	1,510	140	110	240	65	141	1,280	241	640	142	1,280	242	640	143	460	243	230	144	620	244	310	122	130	122	130	123	50	123	50	126	180	126	180	581	40	581	40	146	740	246	370	149	740	249	370	179	740	279	370	169	900	169	900	Other fee (specify) _____				*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)		(\$)	65.00
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<input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27																																																																																																																																											
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1. BASIC FILING FEE <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Entity</th> <th>Small Entity</th> <th>Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> <tr> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>740</td><td>201</td><td>370</td><td>Utility filing fee</td><td>370.00</td></tr> <tr><td>106</td><td>330</td><td>208</td><td>165</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>510</td><td>207</td><td>255</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>740</td><td>208</td><td>370</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>160</td><td>214</td><td>80</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table>								Large Entity	Entity	Small Entity	Entity	Fee Description	Fee Paid	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid	101	740	201	370	Utility filing fee	370.00	106	330	208	165	Design filing fee		107	510	207	255	Plant filing fee		108	740	208	370	Reissue filing fee		114	160	214	80	Provisional filing fee																																																																																											
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** or number previously paid, if greater. For Reissues, see above

SUBMITTED BY						Complete (if applicable)	
Name (Print/Type)	Sarah A. Kagan	Registration No. Attorney/Agent)	32,141	Telephone	202-508-9100		
Signature						Date	October 16, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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www.uspto.gov

JUL 26 2006

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/776,696	02/06/2001	Shibin Zhou	01107.00087

22907 02/27/2006 MBIZUNES-00000024-09776696
 BANNER & WITCOFF 01-FC:2011 150.00 DA
 1001 G STREET NW 02-FC:2111 250.00 DA
 SUITE 1100 03-FC:2311 100.00 DA
 WASHINGTON, DC 20001 04-FC:2051 65.00 DA
 05-FC:2202 175.00 DA
 06-FC:2201 600.00 DA

CONFIRMATION NO. 5642**FORMALITIES LETTER**

OC00000006513112

Date Mailed: 09/05/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01-FC:2011 150.00 DA
 02-FC:2111 250.00 DA
 03-FC:2311 100.00 DA
 04-FC:2051 65.00 DA
 05-FC:2202 175.00 DA
 06-FC:2201 600.00 DA

FILED UNDER 37 CFR 1.53(b)***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$303.
 - \$63 for 7 total claims over 20.
 - \$240 for 6 independent claims over 3 .
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 723.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the

application OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
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*A copy of this notice **MUST** be returned with the reply.*

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